

REMARKS

In the application claims 2, 5, 6, 11-14, and 61-67 remain pending. Previously pending claim 4 has been canceled. Certain of the pending claims have been amended to clarify what is regarded as the invention and to ensure proper antecedent bases. Support for the amendments may be found in the specification and figures as originally filed. No new matter has been added.

Each of pending claims 2, 5, 6, 11-14, and 61-67 presently stands rejected. The reconsideration of the rejection of the claims is, however, respectfully requested.

The pending claims presently stand rejected under 35 U.S.C. § 103 as being rendered obvious primarily in view of Janky as modified by the teachings of Sass (U.S. Patent No. 6,823,225). In the rejection it was acknowledged that Janky fails to disclose, teach, or suggest providing for non-interrupted media playback. It was, however, asserted that Sass discloses a memory coupled to a CPU of a media player where store data in the memory is processed to prevent interruptions of the audio output. As such, it was concluded that it would have been obvious to modify Janky by providing a memory that buffers the audio data to prevent the interruptions of audio playback as disclosed in Sass.

In response to the rejection of the claims, it is respectfully submitted that a rejection under 35 U.S.C. § 103 requires that a combination of references being relied upon disclose each and every element set forth within the claims, considering each and every word.

Considering now the references cited, it has been acknowledged that Janky fails to disclose the claimed providing for non-interrupted media playback. As to Sass, while Sass may disclose that a memory may be utilized as a buffer to store packets of data that are received from a server to prevent interruptions of audio output, it is respectfully submitted that Sass fails to disclose, teach, or suggest actively controlling flow of the portions of a digital media file from a server into a volatile memory as is claimed. More particularly, rather than disclose a system that

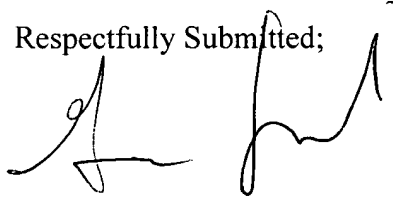
functions to actively control the flow of portions of digital media from a server into a volatile memory as claimed, Sass discloses a passive system in which packets are merely buffered as they are received from the server to thereby address problems that may result from the flow of packets being received from the server being slowed or interrupted owing to problems in the communications network. (Col. 5, lines 49-60). Thus, since Sass fails to disclose, teach, or suggest a system which actively controls the flow of data from the server into the volatile memory as claimed and instead discloses a passive system in which packets broadcast from a server are merely buffered as they are received from the server, it is respectfully submitted that the combination of Janky and Sass fails to include each and every element, considering each and every word, as is required to maintain the rejection under 35 U.S.C. § 103. For at least this reason, it is respectfully submitted that the disclosure within Sass cannot be said to evidence that it would have been obvious to modify Janky to arrive at the exact invention that is set forth in the claims and, as such, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

It is respectfully submitted that the cited references, whether considered alone or in combination, fail to disclose, teach, or suggest each and every element set forth in the pending claims. For at least this reason it is submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

A handwritten signature in black ink, appearing to be 'G. Jarosik', written over the typed name.

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